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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,867	02/12/2004	David P. Sperling	100650.53067US	6105
23911 7590 04/07/2008 CROWELL & MORING LLP INTELLECTUAL PROPERTY GROUP P.O. BOX 14300 WASHINGTON, DC 20044-4300				
EXAMINER				
STACE, BRENT S				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/777,867

Applicant(s)

SPERLING ET AL.

Examiner

BRENT STACE

Art Unit

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8, 10, 11, 13-17, 19, 20, 27 and 35-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8, 10, 11, 13-17, 19, 20, 27 and 35-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-849)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Remarks

1. This communication is responsive to the amendment filed January 14th, 2008. Claims 8, 10, 11, 13-17, 19, 20, 27, and 35-47 are pending. In the amendment filed January 14th, 2008, Claims 8, 11, 13, 15, 20, and 27 are amended, Claims 9, 12, 18, 28, 29, and 34 are canceled, and Claims 8, 27, and 35 are independent. The examiner acknowledges that no new matter was introduced and the amended and new claims are supported by the specification.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/14/2008 has been entered.

Response to Arguments

3. Applicant's arguments filed January 14th, 2008 with respect to Claims 8-20, 27-29, and 34 have been considered but are moot in view of the new ground(s) of rejection.

4. As to the applicant's arguments with respect to exemplarily Claim 8 (including Claims 27 and 35) for the prior art(s) allegedly not teaching "a first record that is found in all of the plurality of databases is displayed on the user interface using a first graphical representation for the record," the examiner respectfully submits that this argument is moot in view of the new grounds of rejection.
5. As to the applicant's arguments with respect to exemplarily Claim 8 (including Claims 27 and 35) for the prior art(s) allegedly not teaching "a second record that is not found in all of the plurality of databases is displayed on the user interface using a second graphical representation for the second record," the examiner respectfully submits that this argument is moot in view of the new grounds of rejection.
6. As to the applicant's arguments with respect to exemplarily Claim 8 (including Claims 27 and 35) for the prior art(s) allegedly not teaching "the first graphical representation is different from the second graphical representation," the examiner respectfully submits that this argument is moot in view of the new grounds of rejection.
7. As to the applicant's arguments with respect to exemplarily Claim 8 (including Claims 27 and 35) for the prior art(s) allegedly not teaching "visually displaying records fro a plurality of databases," the examiner respectfully submits that this argument is moot in view of the new grounds of rejection.
8. The other claims argued merely because of a dependency on a previously argued claim(s) in the arguments presented to the examiner, filed January 14th, 2008, are moot in view of the examiner's interpretation of the claims and art and are still

considered rejected based on their respective rejections from at least a prior Office action (part(s) of recited again below).

Response to Amendment

Claim Objections

9. In light of the applicant's respective arguments or respective amendments, the previous claim objections to the claims have been withdrawn. However, new objections are warranted by the amendments to the claims.

10. Claims 8, 10, 11, 13-17, 19, 20, 27, and 35-47 are objected to because of the following informalities:

a. Claims 8 and 35 are not indented properly according to 37 C.F.R 1.75(i) or MPEP 608.01(i)(i). This rejection propagates downward through dependent Claims 10, 11, 13-17, 19, 20, and 36-39, 44-47.

b. Claim 27 is either not indented properly according to 37 C.F.R 1.75(i) or MPEP 608.01(i)(i) or has an extraneous "and" on line 5 or line 13 (depending on how it is supposed to be indented (if it is correctly indented now or not)). This rejection propagates downward through dependent Claims 40-43.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

11. In light of the applicant's respective arguments or respective amendments, the previous 35 USC § 101 rejections to the claims have been withdrawn.

Claim Rejections - 35 USC § 112

12. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

13. Claims 8, 10, 11, 13-17, 19, 20, 27, and 35-47 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

14. Claims 8, 27, and 35 all recite (for example) "a second record not found in all of the plurality of databases is displayed on the user interface using a second graphical representation for the second record." This limitation is unclear. The limitation describes a second record that is not found. Somehow, this record that is not found is then displayed on a user interface. It does not seem possible to display the unknown to a user on a user interface since a computer would not know how to display the unknown. The examiner can view the claim in a different manner to try to attempt to understand what the applicant's are trying to claim. However, the way the claim is claimed now, the claim is unclear. This rejection propagates downward through dependent Claims 10, 11, 13-17, 19, 20, and 36-47.

Claim Rejections - 35 USC § 102

15. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 2161

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

16. Claims 8, 10, 11, 13, 14, 16, 17, 19, 27, and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by "Mac OS X 10.2: Visual QuickStart Guide" (Langer).

Claim 8 can be mapped to Langer as follows: "A system for synchronizing records in a plurality of databases, [Langer, pgs. 9-12] comprising:

- a computer including a user interface; [Langer, pgs. 9-12] and
- a plurality of databases coupled to the user interface; [Langer, pgs. 9-12]
- wherein the user interface displays a visual representation of records of the plurality of databases [Langer, pgs. 9-12] such that:
- a first record found in all of the plurality of databases is displayed on the user interface using a first graphical representation for the first record; [Langer, pgs. 9-12] and
- a second record not found in all of the plurality of databases is displayed on the user interface using a second graphical representation for the second record; [Langer, pgs. 9-12]
- and wherein the first graphical representation is different from the second graphical representation" [Langer, pgs. 9-12].

Claim 10 can be mapped to Langer as follows: "The system of claim 8 further comprising a communications link to each of the plurality of databases and wherein the

user interface is adapted to retrieve a record from each of the plurality of databases through its corresponding communications link" [Langer, pgs. 9-12].

Claim 11 can be mapped to Langer as follows: "The system of claim 8 wherein a record is copied from a first database to a second database via interactive manipulation of a visual representation of the record on the user interface" [Langer, pgs. 9-12].

Claim 14 can be mapped to Langer as follows: "The system of claim 8 wherein at least one of the plurality of databases is stored on a portable device" [Langer, pgs. 9-12].

Claim 16 can be mapped to Langer as follows: "The system of claim 8 wherein at least one of the plurality of databases is stored on a personal computer" [Langer, pgs. 9-12].

Claim 17 can be mapped to Langer as follows: "The system of claim 10 wherein at least one communications link includes an API" [Langer, pgs. 9-12].

Claim 20 can be mapped to Langer as follows: "The system of Claim 10 wherein at least one communications link includes a serial connection and device specific APIs" [Langer, pgs. 9-12].

Claim 27 can be mapped to Langer as follows: "A computer program embodied on a computer-readable medium, [Langer, pgs. 9-12] comprising:

- an interface to each of a plurality of databases adapted to obtain a subset of records from each of the plurality of databases, the subset of records spanning a date range; [Langer, pgs. 9-12] and

- a user interface adapted to display a visual representation of the subset of records, [Langer, pgs. 9-12] such that:
 - a first record found in all of the plurality of databases is displayed on the user interface using a first graphical representation for the first record; [Langer, pgs. 9-12] and
 - a second record not found in all of the plurality of databases is displayed on the user interface using a second graphical representation for the second record; [Langer, pgs. 9-12]
 - and wherein the first graphical representation is different from the second graphical representation" [Langer, pgs. 9-12].

Claim 35 encompasses substantially the same scope of the invention as that of Claim 1, in addition to a method and some steps for performing the system of Claim 1. Therefore, Claim 35 is rejected for the same reasons as stated above with respect to Claim 1.

Claim 36 can be mapped to Langer as follows: "The system of Claim 8, wherein the first and second graphical representations are geometric shapes" [Langer, pgs. 9-12].

Claim 37 can be mapped to Langer as follows: "The system of Claim 8, wherein the first and second graphical representations are colors" [Langer, pgs. 9-12].

Claim 38 can be mapped to Langer as follows: "The system of Claim 8, wherein the user interface displays a conflict between a third record found in one of the plurality

of databases and a fourth record found in a second of the plurality of databases in a third graphical representation" [Langer, pgs. 9-12].

Claim 39 can be mapped to Langer as follows: "The system of Claim 38, wherein the third graphical representation is an overlapping of respective representations of the third record and the fourth record" [Langer, pgs. 9-12].

Claims 40-43 encompass substantially the same scope of the invention as that of Claims 36-39, respectfully, in addition to a medium and some program for performing the system of Claims 36-39, respectfully. Therefore, Claims 40-43 are rejected for the same reasons as stated above with respect to Claims 36-39, respectfully.

Claims 44-47 encompass substantially the same scope of the invention as that of Claims 36-39, respectfully, in addition to a method and some steps for performing the system of Claims 36-39, respectfully. Therefore, Claims 44-47 are rejected for the same reasons as stated above with respect to Claims 36-39, respectfully.

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

19. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over "Mac OS X 10.2: Visual QuickStart Guide" (Langer) in view of U.S. Patent Application Publication No. 2003/0069874 (Hertzog et al.).

For **Claim 13**, Langer teaches: "The system of claim 8."

Langer discloses the above limitation but does not expressly teach:

- "...further comprising a temporary database table identifying the first record found in all of the plurality of databases."

With respect to Claim 13, an analogous art, Hertzog, teaches:

- "...further comprising a temporary database table identifying the first record found in all of the plurality of databases" [Hertzog, paragraph [0107]].

It would have been obvious to one of ordinary skill in the art at the time of invention having the teachings of Hertzog and Langer before him/her to combine Hertzog with Langer because both inventions are directed towards synchronizing data.

Hertzog's invention would have been expected to successfully work well with Langer's invention because both inventions use computers synchronizing data. Langer discloses the iTunes jukebox software comprising synchronizing the data with a

portable MP3 player. However, Langer does not expressly disclose a temporary table identifying the first record found in all of the plurality of databases. Hertzog discloses a method and system to automate the updating of personal information within a personal information management application and to synchronize such updated personal information management applications (title) comprising a history of updates done.

It would have been obvious to one of ordinary skill in the art at the time of invention having the teachings of Hertzog and Langer before him/her to take the history of updates done from Hertzog and install it into the invention of Langer, thereby offering the obvious advantage of displaying this information to the user so that the user is more informed (Hertzog, paragraph [0107]).

20. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over “Mac OS X 10.2: Visual QuickStart Guide” (Langer) in view of U.S. Patent No. 5,666,553 (Crozier).

For **Claim 15**, Langer teaches: “The system of claim 8.”

Langer discloses the above limitation but does not expressly teach:

- “...wherein at least two of the plurality of databases have different record structures.”

With respect to Claim 15, an analogous art, Crozier, teaches:

- “...wherein at least two of the plurality of databases have different record structures” [Crozier, col. 5, lines 1-18].

It would have been obvious to one of ordinary skill in the art at the time of invention having the teachings of Crozier and Langer before him/her to combine Crozier with Langer because both inventions are directed towards synchronizing data.

Crozier's invention would have been expected to successfully work well with Langer's invention because both inventions use databases to aid or databases for providing data for synchronization. Langer discloses a computer jukebox program comprising a user interface for synchronizing databases. However, Langer does not expressly disclose that the databases have different record structures. Crozier discloses a method for mapping, translating, and dynamically reconciling data between disparate computer platforms comprising databases having different record structures.

It would have been obvious to one of ordinary skill in the art at the time of invention having the teachings of Crozier and Langer before him/her to take the databases having different record structures from Crozier and install it into the invention of Langer, thereby offering the obvious advantage of still being able to synchronize data even if the structure of the data is different making reconciling/synchronizing more easier (Abstract of Crozier) (for instance different versions of the program, or device).

21. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over "Mac OS X 10.2: Visual QuickStart Guide" (Langer) in view of "iTunes Remote Shared Library" (iLounge).

For **Claim 19**, Langer teaches: "The system of claim 10."

Langer discloses the above limitation but does not expressly teach:

- "...wherein at least one communications link includes the Internet."

With respect to Claim 19, an analogous art, iLounge, teaches:

- "...wherein at least one communications link includes the Internet" [iLounge, p. 1].

It would have been obvious to one of ordinary skill in the art at the time of invention having the teachings of iLounge and Langer before him/her to combine iLounge with Langer because both inventions are directed towards the iTunes jukebox software.

iLounge's invention would have been expected to successfully work well with Langer's invention because both inventions use iTunes. Langer discloses a book comprising using Mac OS X and iTunes. However, Langer does not expressly disclose that the iTunes library can be shared on the internet. iLounge discloses a Java utility/program comprising the ability to share the iTunes library on the internet.

It would have been obvious to one of ordinary skill in the art at the time of invention having the teachings of iLounge and Langer before him/her to take the java program from iLounge and install it into the invention of Langer, thereby offering the obvious advantage of being able to access the iTunes library from anywhere in the world where an internet connection can be obtained.

Conclusion

22. Any prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is advised that, although not used in the rejections above, prior art cited on any PTO-892 form and not relied upon is considered materially relevant to the applicant's claimed invention and/or portions of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brent S. Stace whose telephone number is 571-272-8372 and fax number is 571-273-8372. The examiner can normally be reached on M-F 9am-5:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu M. Mofiz can be reached on 571-272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Apu M Mofiz/

Supervisory Patent Examiner, Art Unit 2161

/BRENT STACE/

Examiner, Art Unit 2161